IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.11072 of 2005

Between:

K.L.D. Nagasree, W/o. K.V.V. Prasad,
R/o. Flat No. 301, Vytla Residency, Siripuram, Visakhapatnam.

..... PETITIONER

AND

1 The Deputy Registrar of Co-op. Societies, Bheemavaram, W.G.District.
2 The Palakollu Cooperative Urban Bank Ltd., No. 123, Palakollu,

W.G.District, rep. by its Secretary.
3 The Sale Officer, Palakollu Cooperative Urban Bank Ltd., Palakollu,

West Godavari District.
4 K.V.R. Krishnaji, R/o. 22-1-1, Palakollu, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in conducting the auction of the property belongs to the petitioner and the Partnership Firm vide Notice CEP. No.1610/2004/2005, dt. 6.4.2005 as highly illegal arbitrary and set aside the sale.

Counsel for the Petitioner: MR.N.M.KRISHNAIAH

Counsel for the Respondent Nos.1 to 3: GP FOR COOPERATION

Counsel for the Respondent No.4: - None appeared -

The Court, at the admission stage, made the following:

ORAL ORDER:

The writ petition is filed aggrieved by the Form No.9 Notice, dated 06.04.2005 issued by the 3rd respondent notifying sale of the property mentioned in the said notice. The property was notified for sale on account of 4th respondent-the owner of the land and his wife having suffered a decree for default in the dues payable by the said respondent and his wife to the Palakollu Co-operative Urban Bank Limited, Palakollu, West Godavari District. The petitioner contending that the property in fact belongs to her submitted objections to the 3rd respondent on 02.05.2005. The impugned notice of sale has been issued on 06.04.2005.

In the circumstances, the respondent No.3-Sale Officer, Palakollu Co-operative Urban Bank Limited, Palakollu, West Godavari District, is directed to consider the objections of the petitioner, dated 02.05.2005 before proceeding with the sale of the property specified in the sale notice dated 06.04.2005.

With the above direction, the writ petition is disposed of. No costs.

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GODA RAGHURAM, J.

Date: 10.05.2005

Nsr/Bsb

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Deputy Registrar of Co-op. Societies, Bheemavaram, W.G.District.
2 The Secretary, Palakollu Cooperative Urban Bank Ltd., No. 123,

Palakollu, W.G.District,.
3 The Sale Officer, Palakollu Cooperative Urban Bank Ltd., Palakollu,

West Godavari District.
4 Two CCs to GP for Co-operation, High Court Buildings, Hyderabad

(OUT)

5 Two CD copies